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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,673	05/09/2006	Amr Ali Al-Hossary		3883

7590 06/18/2009

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EXAMINER	
PORTNER, VIRGINIA ALLEN	
ART UNIT	PAPER NUMBER
1645	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/578,673	AL-HOSSARY, AMR ALI	
	Examiner	Art Unit	
	GINNY PORTNER	1645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 June 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *19-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claims 19-27 are pending.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 1, 2009 has been entered.

Rejections Maintained

2. Claims 10,12-16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, for reasons of record and in light of the fact that the prior art filter has all of the claimed structural elements.

3. Claims 10-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Cardone et al, US Pat. 5,573,957, for reasons of record.

Please Note: The instant Application has been assigned to a new examiner, that has considered the prior office action, the pending claims, the instant Specification, and the prior art of record. The instant examiner will be proposing claims that will define over the prior art of record, and could be allowable if submitted in response to this office action.

Proposed Claim Amendments: Cancel pending claims 19-27.

Claim 28 (New) An intravenous device comprising a rod of a shape and size for insertion into a vein, the rod being coated with a sheath, and the sheath being coated with anti-myoglobin antibodies able to remove myoglobin from circulating blood .

Claim 29. (New) The intravenous device of claim 28, wherein the rod is a wire.

Claim 30. (New) The intravenous device of claim 28, wherein the sheath is latex.

Claim 31. (New) The intravenous device of claim 28, wherein the anti-myoglobin antibodies are latex particle immobilized anti-myoglobin antibodies.

Claim 33. (New) A cannula comprising the intravenous device of claim 1.

Claim 34. (New) The cannula of claim 33, wherein the cannula comprises a tip.

Claim 35: (New) The cannula of claim 34, wherein the cannula is a cylindrical shape with a central core into which the intravenous device is inserted, wherein the intravenous device can protrude from the tip end of the cannula.

Claim 36. (New) The cannula of claim 35, wherein the anti-myoglobin antibodies are coated over the whole surface area that protrudes from the tip end of the cannula.

Claim 37: (New) A method comprising the steps of:

Percutaneously introducing the cannula of claim 33 into a vein of a patient,

Removing the intravenous device (see page 8, bottom two paragraphs) from the patient after a period of time during which myoglobin is trapped by the anti-myoglobin antibodies.

Optionally, if needed, reintroducing another intravenous device through the central core of cannula into the patient's vein to trap additional circulating myoglobin, then removing the cannula and intravenous device from the patient.

Claim 38: (New) The method of claim 37, wherein the patient is a patient at risk of ARF (what does this mean?), rhabdomyolysis, or myogloinemia.

Claim 39: (New) The method of claim 38, wherein the risk of ARF is associated with earth quakes, orthopedic problems, alcohol and heroin use, occlusion of muscular vessels, crush injuries, compartment syndrome or reperfusion injury in a limb.

Claim 40. (New) The method of claim 39, wherein the reperfusion injury in a limb is associated with operative reperfusion.

Claim 41: (New) The method of claim 37, wherein the vein is the vinae cava, internal jugular vein or femoral vein.

Specification

4. The disclosure is objected to because of the following informalities:

5. The instant Specification recites various abbreviations, the meanings of which are unclear. Please provide the full meaning/definition of the following terms:

i. IV (title)
ii. I.S.F. (page 1)
iii. mmHg (page 2)
iv. A.R.F. (page 2)
v. RBF (page 4)
vi. GFR (page 4)
vii. CC (page 6)
viii. I.J.V. (page 8)
ix. I.V.C. (page 8)
x. D.V.T. (page 8)
xi. S.V.C (page 8)

Appropriate correction is required.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Various references are being made of record to show microdialysis filters, and intravenous cannulas.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GINNY PORTNER whose telephone number is (571)272-0862. The examiner can normally be reached on flextime, but usually M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Mondesi can be reached on 571-272-0956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert B Mondesi/
Supervisory Patent Examiner,
Art Unit 1645

/Ginny Portner/
Examiner, Art Unit 1645
June 17, 2009